

REMARKS

Claims in the Application. By the instant amendment and response, Claims 37, 41-42, 48-49 and 53-56 have been cancelled from and Claims 57-63 have been added to this application. Accordingly, Claims 19, 23, 25-36, 38-40, 43-47, 50-52 and 57-63 are active in this application. Reconsideration is respectfully requested.

The Examiner's Rejection Over *Burdick*, *Korzilius* and *Aqualon*. In the Response filed on June 11, 2007, Applicants had indicated that a discussion of the following rejections was considered unnecessary in light of the amendments made to the claims:

- (a.) Claims 1-4, 7-9 and 29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,479,537 ("*Burdick*");
- (b.) Claims 7-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,239,081 ("*Korzilius*"); and
- (c.) Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 482 533 A2 ("*Aqualon*").

The Examiner's Rejection Over *Burdick* and *Boatman*. The Examiner has rejected Claims 1-4, 7-9, 12, 14, 15, 18, 19 and 21-40 under 35 U.S.C. § 103(a) as being unpatentable over *Burdick* in view of U.S. Patent No. 6,315,061 ("*Boatman*"). Claims 1-4, 7-9, 12, 14, 15, 18, 21-22, 24 and 37 have been cancelled from this application. The rejection of Claims 19, 23, 25-36 and 38-40 is traversed.

The claims of Applicants, as now amended, are directed to the thickening of brine during the recovery of oil and/or gas from a subterranean formation in order to alleviate fluid loss. The amendments are consistent with the claims as originally presented. The Examiner admits (paragraph 8 of Office Action of January 11, 2007) that "*Burdick* does not disclose a method for thickening a brine during oil/gas recovery by introducing the suspension to a brine or using a mixture of sodium formate with potassium formate and/or cesium formate."

The Examiner relies upon *Boatman* to cure the deficiencies of *Burdick*. Though the Examiner references discussion of *Boatman* in paragraph 9 of the Office Action, Applicants cannot locate in the Office Action any such discussion. Applicants presume, for purposes of argument herein, that the Examiner's basis for rejection of the claims over *Boatman* is as set forth in the previous Office Action.

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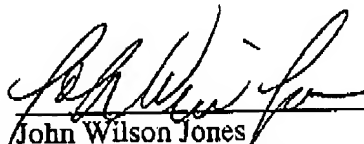
Boatman, however, is not directed to thickening of a brine by use of a cellulosic polymer suspended in an aqueous formate salt. *Boatman* only discloses use of a formate salt to adjust the density of a drilling fluid, not as a thickening agent. In contrast to *Boatman*, Applicant uses the formate salt solution as a carrier fluid for the cellulosic polymer in order to thicken brine. It is unclear therefore how the combination of *Burdick* and *Boatman* would render the claims of Applicants obvious.

The Examiner's Double Patenting Rejection. The Examiner has further provisionally rejected Claims 7-12, 14-17 and 19-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 3-6 and 13 of copending Application No. 10/911,038. Applicant will consider the filing of a Terminal Disclaimer upon indication of allowable subject matter in this application.

Conclusion. In view of the foregoing amendment and remarks it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

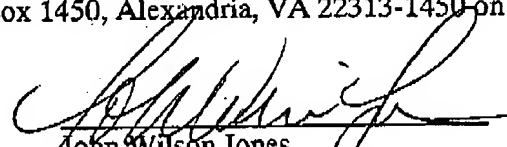
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I hereby certify that this correspondence is being transmitted by facsimile, 571 273-8300, to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of September 2007.


John Wilson Jones